



CONSENT TO OPT IN

YOU MUST COMPLETE AND MAIL BY SEPTEMBER 28, 2009
TO PARTICIPATE IN THIS SUIT
send completed form to:

BEALL v. TYLER TECHNOLOGIES COLLECTIVE ACTION
SLOAN, BAGLEY, HATCHER & PERRY LAW FIRM
101 E. WHALEY STREET LONGVIEW, TX 75601

Name: Edward David
Address: P.O. Box 1358 Mont Belvieu, Tx 77580
Home Phone: 281-385-5356 Work Phone: 832-632-7351
Email: ed_david@verizon.net Cell Phone: _____

1. I consent and agree to pursue my claims arising out of uncompensated overtime as an employee of Tyler Technologies, Inc., EDP Enterprises, Inc. or other predecessor company of Tyler Technologies, Inc. in *Patty Beall, et al v. Tyler Technologies, Inc. and EDP Enterprises, Inc.*, Cause number 2:08-cv-422 TJW, pending in the United States District Court, Eastern District of Texas.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S. C. §201, et seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
3. I hereby designate John D. Sloan, Jr, Laureen Bagley, John P. Zelbst, Chandra Homes, Alex Wheeler, Jason Fowler and James Wren to represent me for all purposes in this action.
4. I also designate the collective action Representatives as my agents to make decisions on my behalf concerning the litigation, including the method and manner of conducting this litigation, entering into settlement agreements, the entering of an agreement with Plaintiffs' Counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

(Signature) [Signature] (Date signed) 8-21-09

*****NOTE*****

Statute of limitations concerns mandate that you return this form as soon as possible, and no later than September 28, 2009 in order to preserve your rights.



From: McKeeby, Paulo B.
Sent: Tuesday, May 18, 2010 9:25 AM
To: Laureen Bagley; Chandra L. Holmes
Cc: Perlioni, Ellen L.; Khosravi, Farin; Sharitt, Laurie L.
Subject: additional depositions

Laureen and Chandra: Following up on my email from last week, I would like to take the depositions of the following plaintiffs on the following days:

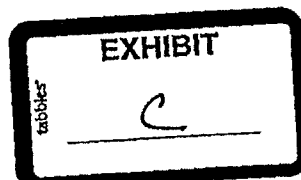
Janette Graham	May 25, 2010	(Shreveport, LA)
Katherine Zaitz-Fink	May 27, 2010	(St. Louis area)
Jessica Myers	June 2, 2010	(Tulsa, OK)
Edward David	June 4, 2010	(Houston area)

Please let me know if these dates will work for these depositions. I am flexible as to when they start, but would like to get these scheduled as soon as we can.

Paulo B. McKeeby
Morgan, Lewis & Bockius LLP
1717 Main Street, Suite 3200 | Dallas, TX 75201-7347
Direct: 214.466.4126 | Main: 214.466.4000 | Fax: 214.466.4001
www.morganlewis.com
Assistant: Luan Foster | 214.466.4173 | luan.foster@morganlewis.com

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION


**PATTY BEALL, MATTHEW
MAXWELL, TALINA MCELHANY AND
KELLY HAMPTON, individually
and on behalf of all other similarly situated;**


Plaintiffs,


**TYLER TECHNOLOGIES, INC. AND
EDP ENTERPRISES, INC.
Defendants.**



































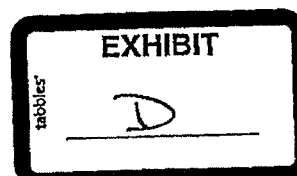
2:08-cv-422 TJW

NOTICE OF DEPOSITION

TO: Plaintiff Edward David, by and through her attorneys of record, John D. Sloan, Jr.,
Laureen F. Bagley, SLOAN, BAGLEY, HATCHER & PERRY LAW FIRM, 101 East Whaley
Street, P.O. Drawer 2909, Longview, Texas 75606

PLEASE TAKE NOTICE that pursuant to the Federal Rules of Civil Procedure, Defendant Tyler Technologies, Inc. will take the deposition of Edward David, at the offices of Morgan, Lewis & Bockius LLP, 1000 Louisiana Street, Suite 4000, Houston, TX (phone: 713-890-5000) on Friday, June 4, 2010, 9:00 a.m.

The deposition will be taken upon cross-examination for all purposes within contemplation of the Federal Rules of Civil Procedure, will be taken by a duly authorized court reporter, and will continue from day to day until completed. You are invited to attend and examine.



CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been served via electronic mail on this 21st day of May, 2010, as follows:

John D. Sloan, Jr.
Laureen F. Bagley
SLOAN, BAGLEY, HATCHER & PERRY LAW FIRM
101 East Whaley Street
P.O. Drawer 2909
Longview, Texas 75606
jsloan@texttrialfirm.com
lbagley@sloanfirm.com

Alexander R. Wheeler
Jason Paul Fowler
R. REX PARRIS LAW FIRM
42220 10th Street West, Suite 109
Lancaster, CA 93534
awheeler@rrexparris.com
jfowler@rrexparris.com

John P. Zelbst
Chandra L. Homes Ray
Zelbst, Holmes & Butler
PO Box 365
Lawton, OK 73502
zelbst@zelbst.com
chandra@zelbst.com

James E. Wren
One Bear Place #97288
Waco, TX 76798
James_Wren@baylor.edu

/s/ Paulo B. McKeeby
Paulo B. McKeeby

From: McKeeby, Paulo B.
Sent: Tuesday, June 01, 2010 10:30 AM
To: Laureen Bagley
Cc: Perlioni, Ellen L.; Khosravi, Farin
Subject: Beall proposed deposition dates

Laureen:

As requested, below is a proposed schedule for depositions during June and July. We are flexible on the dates, but I would like to get a firm schedule in place as soon as possible.

June 10	Katherine Zaitz-Fink (St. Louis)
June 11	Jessica Myers (Tulsa)
June 16-18 (Raleigh-Durham area)	Geraldine Ingram, Joe Flynn, Irene Meyers, Laura Milburn and Travis Void
July 6	Sandra Joy (Phoenix)
July 8	Edward David (Houston)
July 16	Bethany Maynard (Milwaukee)
July 20-21	Jill Brown and Matthew New (Detroit)
July 26-30	Betty Dupree (Boston), Amy Dunne (Maine) and Titus Britt (Albany)

We can discuss on Thursday when I am in your offices.

Paulo B. McKeeby
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From: McKeeby, Paulo B.
Sent: Tuesday, June 08, 2010 2:26 PM
To: Laureen Bagley; Chandra L. Holmes
Cc: Khosravi, Farin; Sharitt, Laurie L.; Perlioni, Ellen L.; Claudia Martinez; Rose Feazell
Subject: RE: Depositions

Does Mr. Edwards' military service mean that he is out of town or out of the country? Your email is somewhat cryptic but I take it that you simply cannot get in touch with him to secure his attendance this week. If that is the case, then please continue your efforts to contact him and let us know when he may be able to appear for his deposition. With respect to the others, please confirm I can notice the following depositions for the following dates:

June 18	Jessica Myers (Tulsa)(I believe this one is confirmed.)
July 6	Sandra Joy (Phoenix)
July 16	Bethany Maynard (Milwaukee)
July 20-21	Jill Brown and Matthew New (Detroit)
July 26-30	Betty Dupree (Boston), Amy Dunne (Maine) and Titus Britt (Albany)

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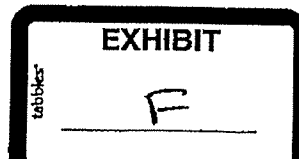
From: Laureen Bagley [<mailto:lbagley@sloanfirm.com>]
Sent: Tuesday, June 08, 2010 11:14 AM
To: McKeeby, Paulo B.; Chandra L. Holmes
Cc: Khosravi, Farin; Sharitt, Laurie L.; Perlioni, Ellen L.; Claudia Martinez; Rose Feazell
Subject: RE: Depositions

Paulo,

We received notice from Ms. Zaitz-Fink that she no longer wishes to participate in the suit. According to her she only worked for Tyler for two months.

Additionally, Mr. Edwards, our Houston deponent, is in the military and we have not been able to reach him. We will continue those efforts, but we cannot move forward with his deposition at the present time.

From: McKeeby, Paulo B. [<mailto:paulo.mckeeby@morganlewis.com>]
Sent: Tuesday, June 08, 2010 10:35 AM
To: Laureen Bagley; Chandra L. Holmes



Cc: Khosravi, Farin; Sharitt, Laurie L.; Perlioni, Ellen L.
Subject: Depositions

Laureen and Chandra: We talked about having depositions later this week in Houston and St. Louis for either the 10th and/or 11th. I need to know as soon as possible if you have confirmed these dates with your clients so I can notice them and make scheduling arrangements. Please call me at your earliest convenience. If I do not hear from you by the end of today, I intend to notice the depositions for Friday as I assume, based on our previous conversation, that each of you will be defending a different deposition. We also need to talk about the other depositions and confirming the schedule for those as well.

Paulo B. McKeeby

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From: McKeeby, Paulo B.
Sent: Wednesday, June 09, 2010 11:10 AM
To: Laureen Bagley
Cc: Khosravi, Farin; Perlioni, Ellen L.; Sharitt, Laurie L.
Subject: RE: Depositions

Laureen: I will go ahead and send the notices for Jessica Myers' deposition on June 18, 2010. I will also prepare notices for Jill Brown and Matthew New. My thought is that we can take Matthew New's deposition in Detroit on July 20 and Jill Brown's deposition in Pellston the next day. Let me know if this is an issue and, if not, I will go ahead and send out the notices.

When can you give me dates for the other depositions? In particular, the depositions in North Carolina in the Raleigh Durham area (Geraldine Ingram, Joe Flynn, Irene Myers, Laura Milburn, and Travis Void) Thanks.

Paulo B. McKeeby
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From: Laureen Bagley [<mailto:lbagley@sloanfirm.com>]
Sent: Tuesday, June 08, 2010 9:27 PM
To: McKeeby, Paulo B.
Subject: RE: Depositions

We are not sure about where Mr. Edwards is. We suspect that he is deployed overseas. We can confirm Matthew New for July 20 or 21 however, Mrs. Brown resides 5 hours from Detroit and cannot travel that far due to health issues. She lives in Alanson, MI. Pellston Regional airport is the nearest airport to Alanson. What do you want to do?

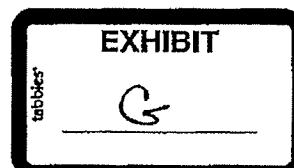
From: McKeeby, Paulo B. [<mailto:paulo.mckeeby@morganlewis.com>]
Sent: Tuesday, June 08, 2010 2:26 PM
To: Laureen Bagley; Chandra L. Holmes
Cc: Khosravi, Farin; Sharitt, Laurie L.; Perlioni, Ellen L.; Claudia Martinez; Rose Feazell
Subject: RE: Depositions

Does Mr. Edwards' military service mean that he is out of town or out of the country? Your email is somewhat cryptic but I take it that you simply cannot get in touch with him to secure his attendance this week. If that is the case, then please continue your efforts to contact him and let us know when he may be able to appear for his deposition. With respect to the others, please confirm I can notice the following depositions for the following dates:

June 18 Jessica Myers (Tulsa)(I believe this one is confirmed.)

July 6 Sandra Joy (Phoenix)

July 16 Bethany Maynard (Milwaukee)



July 20-21

Jill Brown and Matthew New (Detroit)

July 26-30

Betty Dupree (Boston), Amy Dunne (Maine) and Titus Britt (Albany)

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From: Laureen Bagley [<mailto:lbagley@sloanfirm.com>]

Sent: Tuesday, June 08, 2010 11:14 AM

To: McKeeby, Paulo B.; Chandra L. Holmes

Cc: Khosravi, Farin; Sharitt, Laurie L.; Perlioni, Ellen L.; Claudia Martinez; Rose Feazell

Subject: RE: Depositions

Paulo,

We received notice from Ms. Zaitz-Fink that she no longer wishes to participate in the suit. According to her she only worked for Tyler for two months.

Additionally, Mr. Edwards, our Houston deponent, is in the military and we have not been able to reach him. We will continue those efforts, but we cannot move forward with his deposition at the present time.

From: McKeeby, Paulo B. [<mailto:paulo.mckeeby@morganlewis.com>]

Sent: Tuesday, June 08, 2010 10:35 AM

To: Laureen Bagley; Chandra L. Holmes

Cc: Khosravi, Farin; Sharitt, Laurie L.; Perlioni, Ellen L.

Subject: Depositions

Laureen and Chandra: We talked about having depositions later this week in Houston and St. Louis for either the 10th and/or 11th. I need to know as soon as possible if you have confirmed these dates with your clients so I can notice them and make scheduling arrangements. Please call me at your earliest convenience. If I do not hear from you by the end of today, I intend to notice the depositions for Friday as I assume; based on our previous conversation, that each of you will be defending a different deposition. We also need to talk about the other depositions and confirming the schedule for those as well.

Paulo B. McKeeby

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From: McKeeby, Paulo B.
Sent: Monday, June 28, 2010 3:32 PM
To: Laureen Bagley
Cc: Chandra L. Holmes; Perlioni, Ellen L.; Khosravi, Farin; Sharitt, Laurie L.; Claudia Martinez; Rose Feazell
Subject: RE: Summary of Saturday call

Thanks. On the date for the corporate representative depositions, I will need a day to meet with the witnesses. I can check about making them available on the 17th and 18th (I am assuming you want a day each). Would that work? If so, we could do the Dunne deposition on the 19th and the Dupree deposition on the 20th.

Paulo B. McKeeby
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From: Laureen Bagley [<mailto:lbagley@sloanfirm.com>]
Sent: Monday, June 28, 2010 2:47 PM
To: McKeeby, Paulo B.
Cc: Chandra L. Holmes; Perlioni, Ellen L.; Khosravi, Farin; Sharitt, Laurie L.; Claudia Martinez; Rose Feazell
Subject: RE: Summary of Saturday call

Dear Paulo,

Your summary is accurate.

Since our call I have confirmed that Sandra Joy no longer wishes to participate in the suit. I will file a withdrawal on her behalf. We will also file a withdrawal for Ms. Zaitz -Fink. We continue our efforts to reach Myers and David.

Because of scheduling conflicts I need to depose the corporate representatives in Maine on the 16th and 17th and Chandra will handle the Plaintiff/opt-ins depositions later in the week. You may work directly with her on scheduling those.

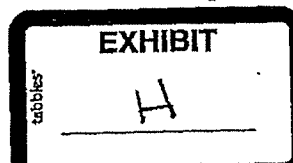
REDACTED

I should have the Joint Motion reviewed shortly.

Thanks,

Laureen

From: McKeeby, Paulo B. [<mailto:paulo.mckeeby@morganlewis.com>]
Sent: Monday, June 28, 2010 10:23 AM
To: Laureen Bagley



Cc: Chandra L. Holmes; Perlioni, Ellen L.; Khosravi, Farin; Sharitt, Laurie L.

Subject: Summary of Saturday call

Laureen: This email will summarize our discussion this past Saturday. If I have anything inaccurate in this summary, please let me know.

REDACTED

4. We are still waiting on you to file a notice of withdrawal for Katherine Zaitz-Fink.
5. We discussed the difficulty you are having contacting the following plaintiffs to secure their attendance at deposition and participation in the case:
 - Jessica Myers (Tulsa)
 - Sandra Joy (Phoenix)
 - Edward David (Houston)We discussed informally that you will continue to attempt to contact them to secure their attendance at their depositions, assuming they are still interested in participating in the case, by a date certain. By July 16, 2010, please provide us with a final indication of whether or not these three individuals wish to continue to participate in the lawsuit. If we do not have a confirmation one way or the other by that time, we will simply notice their depositions and obtain certificates of nonappearance which we will use in connection with motions to dismiss their claims. In any event, I know you are continuing to try to track these people down, so please keep us posted on your efforts.
6. We agreed to take the following plaintiffs' depositions in the Raleigh-Durham area during the week of July 26, 2010:
 - Titus Britt
 - Geraldine Ingram
 - Irene Meyers
 - Joe FlynnWe understand Joe Flynn needs to be noticed on the afternoon of July 27, and that Geraldine Ingram can only appear for her deposition on either July 29 or 30. We will send out notices based on these understandings.
7. We understand Laura Milburn has or will be moving to Chicago. Please let us know when we can take her deposition.
8. During the week of August 16, 2010, we will take the depositions of Betty Dupree (Boston) and Amy Dunn (Maine). In addition, plaintiffs will take the depositions of the Tyler corporate representatives during that week. While we did not discuss a specific schedule for the week of August 16, my thought in generally as follows:
 - August 16: Deposition of Dupree in Boston
 - August 17: Deposition of Dunn in Maine
 - August 19 and 20: Deposition of Tyler corporate representativesLet me know if this schedule is acceptable.

9. There are a few additional plaintiffs for which we have not confirmed deposition dates. These are:

- Kimberly Gennette (Pensacola, Florida)
- Ronald Grimwood (Bradenton, Florida)
- Kevin Mosenthin (West Palm, Florida)
- Larry Churnovic (Indianapolis, Indiana)
- James Joyce (Corydon, Indiana)
- Kim Huynh (Wichita, Kansas)

We will touch base shortly to discuss when we can take the above depositions in late August or early September.

Again, if any of the above does not comport with your understanding of our telephone conference on Saturday, please let me know.

Paulo B. McKeeby

Morgan, Lewis & Bockius LLP

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From: McKeeby, Paulo B.
Sent: Wednesday, August 04, 2010 10:02 AM
To: Lauren Bagley
Cc: Perlioni, Ellen L.; Khosravi, Farin; Sharitt, Laurie L.
Subject: Beall

Laureen: REDACTED
REDACTED

(2) we can agree to a mutual two week extension on the designation of experts and provision of reports and, accordingly, you may file your motion as unopposed; and (3) we cannot agree to produce the corporate representative deponents in Boston.

I also need to hear from you regarding the following:

1. Dates for the deposition of Laura Milbourne in Chicago;
2. Dates for the depositions of the Florida plaintiffs, Ronald Grimwood and Kevin Mosenthin; and
3. The status of Jessica Myers and Edward David and, specifically, whether they intend to participate in the lawsuit.

Paulo B. McKeeby
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From: McKeeby, Paulo B.
Sent: Tuesday, August 31, 2010 9:46 AM
To: Lauren Bagley
Cc: Perlioni, Ellen L.; Khosravi, Farin; Sharitt, Laurie L.; Claudia Martínez
Subject: Beall

Laureen: Where are we on these issues? I know Claudia is trying to track down dates for the other remaining witnesses for their depositions, but what about the other matters? Specifically, when can we expect to see dismissal notices from Russell Steel and Jessica Meyers? Also, what about Mr. David in Houston? I prefer not to simply notice his deposition, but your failure to address this issue is leaving me with little other choice. I am in the office all week through Friday to discuss these issues, so let me know when a convenient time might be.

Paulo B. McKeeby
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From: McKeeby, Paulo B.
Sent: Wednesday, August 25, 2010 10:39 AM
To: Lauren Bagley
Cc: Chandra L. Holmes; Perlioni, Ellen L.; Khosravi, Farin; Sharitt, Laurie L.; Claudia Martinez
Subject: Tyler Beall 81503-81504.pdf - Adobe Acrobat Professional

Laureen: I want to discuss several items with you at some point this week. First, I have attached to this email a bates stamped copy of the performance evaluation "template" about which Bob Sansone testified during his deposition. We need to discuss the following issues:

- **Russell Steele:** My understanding from our discussions is that you were going to dismiss him from the lawsuit based on his bankruptcy. I know you have had communications with Farin on this issue but we need to decide whether or not we are going to file a motion with respect to Mr. Steele. Please confirm your position on Mr. Steel so we can know how to proceed.
- **Jessica Meyers:** This is the Tulsa plaintiff. We understand from Chandra during the depositions last week that Ms. Meyers has indicated she no longer wishes to participate in the lawsuit. Please confirm this by filing a Notice of Withdrawal as you have done with other plaintiffs.
- **Edward David:** We still have not heard back from you regarding Mr. David's continued participation in the lawsuit. Please let us know if Mr. David wishes to continue to participate as a plaintiff and, if so, when you can produce him for deposition. If we do not hear from you by the end of the week, we plan to notice his deposition for a convenient time in Houston and take a certificate of nonappearance if necessary. I know you have been attempting to reach him so hopefully we can get this issue resolved one way or the other.
- **Remaining depositions:** While we have depositions in Detroit and Florida scheduled and on the books, there are six plaintiffs who remain to be deposed. Specifically, these are Larry Churnovic and Joyce James (in or near Indianapolis, Indiana), Gayla Duke and Kimberly Gennette (in or near Pensacola, Florida), Kim Huynh (Wichita, Kansas), and Janette Graham (Shreveport, Louisiana). We expect to take these depositions prior to the deadline for the filing of the motion for decertification. Please let us know when you and the plaintiffs are available for

deposition. It strikes me that the Indiana and Florida depositions could be done in one day and the Wichita and Shreveport should be easy as well.

We appreciate your attention to these matters and let me know if there is a convenient time to talk later this week.

Paulo B. McKeeby

Morgan, Lewis & Bockius LLP

1717 Main Street, Suite 3200 | Dallas, TX 75201-7347

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Assistant: Luan Foster | 214.466.4173 | luan.foster@morganlewis.com

IRS Circular 230 Disclosure

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. For information about why we are required to include this legend in emails, please see <http://www.morganlewis.com/circular230>

REDACTED

From: Claudia Martinez [mailto:cmartinez@sloanfirm.com]
Sent: Thursday, September 02, 2010 11:43 AM
To: McKeeby, Paulo B.
Cc: Rose Feazell; Laureen Bagley
Subject: Beall Depos

Ms. Joyce James is available any date any time in September. She resides in Corydon, IN. Please provide dates you would like to take her deposition and I will see if Laureen is available. I forward some dates Laureen has available in September. Thanks.

Please note:

Kimberly Gennette; Pensacola, FL: is available but needs at least 2 weeks to notify her employer for requesting day off.

Joyce James: any date any time in September

Gayle Duke: Chandra Holmes' office to handle deposition

Larry Churnovic: Zurich, Switzerland. Won't be home until Dec. 17th, 2010.


Edward David: have sent him letter to contact our office if he wishes to withdraw

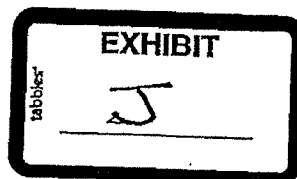
Kim Huynh: have not heard from client

Janette Graham: have not heard from client.

Claudia Fuentes-Martinez | 101 East Whaley St. | Longview, TX 75601 |
☎: 903-757.7000 ext.215 | ☎: 903.757.7574 || ✉: cmartinez@sloanfirm.com

Confidentiality Notice: This message is from the law firm of Sloan, Bagley, Hatcher & Perry and is intended solely for the use of the addressees shown above. It may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are hereby notified that the copying, use or distribution of any information or materials transmitted in or with this message is strictly prohibited. If you received this message by mistake, please immediately contact me at 903.757.7000, and destroy the original message. Thank you

 please consider the environment before printing this email



From: McKeeby, Paulo B.
Sent: Thursday, October 14, 2010 11:01 AM
To: Laureen Bagley
Cc: Sharitt, Laurie L.; Rose Feazell; Perlioni, Ellen L.; Khosravi, Farin
Subject: Beall depositions

Laureen: As we discussed yesterday, I want to schedule the depositions of the remaining plaintiffs. I understand that the deposition of James Joyce in Indiana has been scheduled for November 22, 2010, and that Larry Churnovic, who also resides in Indiana, is out of the country until December of this year. I would like to schedule the following depositions in November of the remaining plaintiffs who, by our records, have not been deposed and who remain in the lawsuit:

- Edward David - Houston area (We discussed David in the past and you indicated you would get back to us if you could contact him, but we have not heard from you in a while regarding his status)
- Kimberly Gennette - Pensacola, Florida
- Jeanette Graham - Shreveport
- Kelly Hampton - Shreveport
- Kim Huyh - Wichita, Kansas

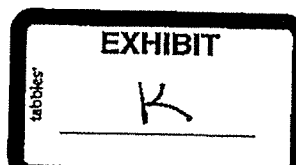
I would think the Graham and Hampton depositions would be fairly easy to coordinate given they reside close to your office. Also, we would like to take the deposition of Kelly Ainsworth. We previously received correspondence from your office on his behalf. If you no longer represent Mr. Ainsworth, please let us know and we will subpoena him but we would like to coordinate with you on an agreeable date for his deposition. I am copying our respective paralegals on this correspondence so they can communicate concerning the scheduling of these depositions.

We appreciate your attention to this matter.

Paulo B. McKeeby
Morgan, Lewis & Bockius LLP
1717 Main Street, Suite 3200 | Dallas, TX 75201-7347
Direct: 214.466.4126 | Main: 214.466.4000 | Fax: 214.466.4001
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IRS Circular 230 Disclosure

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. For information about why we are required to include this legend in emails, please see <http://www.morganlewis.com/circular230>



From: Rose Feazell [rfeazell@sloanfirm.com]
Sent: Wednesday, October 20, 2010 9:31 AM
To: John Zelbst; Sharitt, Laurie L.; McKeeby, Paulo B.; Perlioni, Ellen L.
Cc: Laureen Bagley; Claudia Martinez; Chandra L. Holmes; Pauline B. Huffmaster
Subject: RE: Tyler Beall

Laurie,

Laureen will be taking the deposition of Defense expert, Bill Cutler, on November 18, 2010. Paulo is currently working on the location of the deposition.

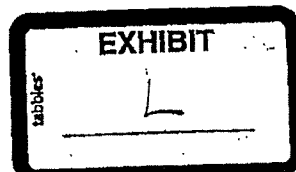
I believe Chandra Holmes is taking Joyce James' deposition in Indianapolis, Indiana, on November 22, 2010.

We are working on scheduling the remaining Plaintiff's for their depositions:

Kim Huyn
Jeannette Graham
Kimberly Gennette
Edward David – unavailable - currently serving in the armed forces;

Rose M. Feazell
Paralegal to Laureen F. Bagley

Sloan, Bagley, Hatcher & Perry Law Firm
P. O. Drawer 2909
Longview, Texas 75606
Tel: 903-757-7000 Ext: 215
Fax: 903-757-7574
Email: rfeazell@sloanfirm.com
REDACTED
























IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

**PATTY BEALL, MATTHEW
MAXWELL, TALINA MCELHANY AND
KELLY HAMPTON, individually
and on behalf of all other similarly situated;**

Plaintiffs,

**TYLER TECHNOLOGIES, INC. AND
EDP ENTERPRISES, INC.
Defendants.**

2:08-cv-422 TJW

NOTICE OF DEPOSITION

TO: Plaintiff Kim Huyh, by and through her attorneys of record, John D. Sloan, Jr., Laureen F. Bagley, SLOAN, BAGLEY, HATCHER & PERRY LAW FIRM, 101 East Whaley Street, P.O. Drawer 2909, Longview, Texas 75606


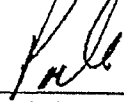
PLEASE TAKE NOTICE that pursuant to the Federal Rules of Civil Procedure, Defendant Tyler Technologies, Inc. will take the deposition of Opt-In Plaintiff Kim Huyh, at the offices of SLOAN, BAGLEY, HATCHER & PERRY LAW FIRM, 101 East Whaley Street, Longview, Texas 75606 on Wednesday, November 10, 2010, at 2:30 p.m.

The deposition will be taken upon cross-examination for all purposes within contemplation of the Federal Rules of Civil Procedure, will be taken by a duly authorized court reporter, and will continue from day to day until completed. You are invited to attend and examine.

NOTICE OF DEPOSITION -- PAGE 1
DB1/65951892.1



Respectfully submitted:



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facsimile - 903.597.2413

ATTORNEYS FOR DEFENDANTS
TYLER TECHNOLOGIES, INC. AND
EDP ENTERPRISES, INC.

CERTIFICATE OF SERVICE

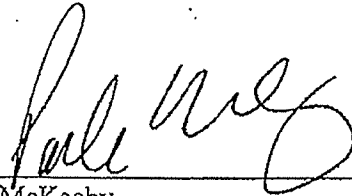
This is to certify that a true and correct copy of the above and foregoing has been served via electronic mail on this 3rd day of November, 2010, as follows:

John D. Sloan, Jr.
Laureen F. Bagley
SLOAN, BAGLEY, HATCHER & PERRY LAW FIRM
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Paulo B. McKeeby
Ellen L. Perlioni
Farin Khosravi

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PATTY BEALL, MATTHEW MAXWELL,
TALINA MCELHANY AND KELLY
HAMPTON, individually and on behalf of
all others similarly situated;

Plaintiffs,

vs.

TYLER TECHNOLOGIES, INC. AND
EDP ENTERPRISES, INC.

Defendants.

2:08-cv-422 TJW

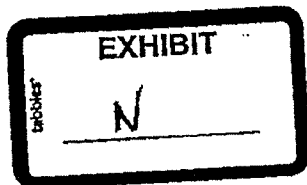
CERTIFICATE OF NON-APPEARANCE

I, Brenda Fleming, a Certified Shorthand Reporter and Notary Public in and for the State of Texas, do hereby certify to the following facts, to-wit:

That on the 10th day of November, 2010, at 2:30 p.m., I personally appeared at the offices of Sloan, Bagley, Hatcher & Perry Law Firm, 101 East Whaley Street, Longview, Texas 75606, for the purpose of reporting the oral deposition of Opt-In Plaintiff Kim Huyh, pursuant to Notice of Deposition; that Ms. Laureen F. Bagley with the law firm of Sloan, Bagley, Hatcher & Perry Law Firm also appeared;

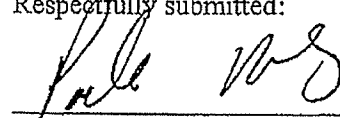
That I remained at the place aforesaid until 3:00 p.m. on November 10, 2010, at which time the witness, Kim Huyh, had not appeared;

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 22nd day of November, 2010.



Brenda Fleming
BRENDA FLEMING, TX CSR No. 1499
Certification expires: 12-31-2011
Osteen Reporting Services
Firm Registration No. 392
313 Northglen Dr.
Hurst, Texas 76054-3024
(817) 498-9990

Respectfully submitted:



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ATTORNEYS FOR DEFENDANTS
TYLER TECHNOLOGIES, INC. AND
EDP ENTERPRISES, INC.

CERTIFICATE OF SERVICE

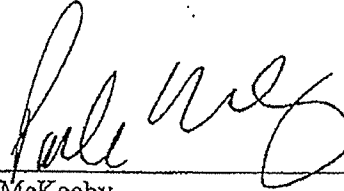
This is to certify that a true and correct copy of the above and foregoing has been served via electronic mail on this 3rd day of November, 2010, as follows:

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Paulo B. McKeeby
Ellen L. Perlioni
Farin Khosravi

From: Laureen Bagley [lbagley@sloanfirm.com]
Sent: Tuesday, October 26, 2010 3:36 PM
To: McKeeby, Paulo B.
Cc: Claudia Martinez; Rose Feazell; Perlioni, Ellen L.; Khosravi, Farin; Sharitt, Laurie L.
Subject: RE: Beall Depos/Kimberly Gennette

Paulo,

Believe me, we have been trying to contact the remaining class members but it hasn't been easy. I have been able to confirm, five minutes ago, that Jeanette Graham's job does not permit time for a deposition and she has agreed to withdraw from the suit. Kim Huyh has moved and we are unable to reach her through any contact information we have. Kelly Hampton has been deposed already. Rose forwarded her deposition to your assistant a couple of weeks ago.

I do not feel comfortable withdrawing class members that have not provided their consent to withdraw. Any suggestions on how to deal with this?

Thanks,
Laureen

From: McKeeby, Paulo B. [mailto:paulo.mckeeby@morganlewis.com]
Sent: Tuesday, October 26, 2010 10:04 AM
To: Laureen Bagley
Cc: Claudia Martinez; Rose Feazell; Perlioni, Ellen L.; Khosravi, Farin; Sharitt, Laurie L.
Subject: FW: Beall Depos/Kimberly Gennette

Laureen: I am sorry I missed you in our offices yesterday. I understand that the deposition of Kimberly Gennette is scheduled for November 5, 2010, in Pensacola. We are still waiting to hear about the depositions of Kelly Hampton, Jeanette Graham, and Kim Huyh. We have asked repeatedly for these depositions and dates on which the witnesses are available in order to coordinate schedules, but we have not heard back from you. In addition, we also would like to take the deposition of Kelly Ainsworth. If your office no longer represents him, please let me know and I will issue a subpoena but, of course, we would like to coordinate with your schedule before we do so.

We have worked well together in this case and it certainly is not my practice, as I think you should know, to notice depositions without fully conferring with the other side. However, I feel like we have exhausted the usual avenues in this regard, and you are leaving us with no choice but to simply send out deposition notices for these depositions. I am in the office all day if you would like to talk and I certainly prefer to coordinate schedules rather than notice the depositions, but other than Ms. Gennette, we have heard nothing about the availability of the other deponents, including Mr. Ainsworth.

I look forward to hearing from you. If I do not prior to the close of business on Wednesday, October 27, 2010, I plan to send out depositions notices for later in November for all of the above witnesses.

Paulo B. McKeeby
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